

Message Text

LIMITED OFFICIAL USE

PAGE 01 TEHRAN 04927 01 OF 02 050621Z
ACTION NEA-10

INFO OCT-01 ISO-00 L-03 EB-07 AGRE-00 LAB-04 HEW-04
HUD-01 DOTE-00 TRSE-00 AID-05 COME-00 NAS-01
NSF-01 OPIC-03 FAA-00 ERDA-05 NSC-05 /050 W
-----050630Z 075122 /15
R 050409Z JUN 77
FM AMEMBASSY TEHRAN
TO SECSTATE WASHDC 2907

LIMITED OFFICIAL USE SECTION 1 OF 2 TEHRAN 4927

FOR NEA/IRN NAAS FROM MIKLOS

PASS TO DOT FOR FHWA MCKENDRICK

E.O.11652: N/A
TAGS: EAID, USIRJC, IR
SUBJ: STATUS OF FHWA TEAM

REF: STATE 123784

1. AS YOU KNOW, WALT MCKENDRICK OF FHWA GAVE THE
MINISTRY OF ROADS AND TRANSPORT A NEW DRAFT AGREEMENT
AT THE CONCLUSION OF HIS RECENT VISIT HERE. THE NEW
ADVISORY TECHNICAL ASSISTANCE AGREEMENT WOULD REPLACE
THE EXISTING AGREEMENT WHICH EXPIRES JUNE 30, 1977 AND
WILL BE VALID UNTIL JUNE 30, 1979. THE NEW AGREEMENT
WOULD COVER FOUR U.S. TECHNICIANS WHO WOULD REMAIN FROM
THE EXISTING TEAM PLUS ONE ADDITIONAL PERSON FROM THE
U.S. WHO WOULD REPLACE THE PRESENT HEAD OF THE TEAM,
DAN HAMMOND. WITH EMBASSY CONCURRENCE, FHWA TEAM
LEADER ADDITIONALLY SEEKS MINISTRY FOREIGN AFFAIRS (MFA)
AND MINISTRY ECONOMIC AFFAIRS AND FINANCE (MEAF) APPROVAL
TO THE NEW AGREEMENT IN ORDER TO MINIMIZE, AND HOPEFULLY,
AVOID ALTOGETHER, STATUS PROBLEMS WHICH AROSE RE
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 TEHRAN 04927 01 OF 02 050621Z

PRESENT TEAM. GIVEN SHORT DEADLINE LAID DOWN BY
FHWA ADMINISTRATOR COX IN REFTTEL, E/C COUNSELOR
INQUIRED OF MFA AND MEAF TODAY (JUNE 2) AS TO RE-
ACTIONS THESE TWO MINISTRIES TO NEW DRAFT AGREEMENT.
RESULTS THESE TWO CONVERSATIONS FOLLOW:

2. MFA LEGAL ADVISOR KAZEMI HAD TWO MAIN OBJECTIONS

TO DRAFT AGREEMENT, SPECIFICALLY (1) TO HOLD QUOTE
HARMLESS UNQUOTE LANGUAGE AT THE END OF PART II AND
(2) PART VIII ON PRIVILEGES. KAZEMI SAID THAT HE
FINDS LANGUAGE PART II IRRELEVANT IN THE LEGAL SENSE
INASMUCH AS U.S. HIGHWAY TECHNICIANS ARE EMPLOYED BY
GOI MINISTRY AND USG NOT DIRECTLY INVOLVED. HE DOUBTED
THAT USG HAS ANY DIRECT ROLE IN PROPOSED ASSISTANCE
AGREEMENT OTHER THAN AS SUPPLIER OF THE TECHNICIANS. HE
THOUGHT THAT THE INDIVIDUAL TEAM MEMBERS COULD BE PRO-
TECTED FROM CLAIMS VIA QUOTE INSURANCE POLICIES WITH
THIRD PARTY LIABILITY. UNQUOTE RE (2), KAZEMI ONCE
AGAIN SAID AS HE HAS REPEATEDLY SAID IN THE PAST, THAT
HIGHWAY TECHNICIANS NOT ENTITLED TO TREATMENT SPELLED
OUT IN PREAMBLE OF ARTICLE VIII SINCE GOI IS PAYING
ALL COSTS. ONLY THOSE TECHNICIANS FULLY OR SUBSTANTIAL-
LY FUNDED BY SENDING COUNTRY ENTITLED TO SUCH PRIVILEGES.
KAZEMI SAID THAT AN ACT OF PARLIAMENT WOULD BE REQUIRED
TO CONFER SUCH PRIVILEGES ON HIGHWAY TEAM. HE THOUGHT

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 TEHRAN 04927 02 OF 02 050628Z
ACTION NEA-10

INFO OCT-01 ISO-00 L-03 EB-07 AGRE-00 LAB-04 HEW-04
HUD-01 DOTE-00 TRSE-00 AID-05 COME-00 NAS-01
NSF-01 OPIC-03 FAA-00 ERDA-05 NSC-05 /050 W
-----050631Z 075146 /15

R 050409Z JUN 77
FM AMEMBASSY TEHRAN
TO SECSTATE WASHDC 2908

LIMITED OFFICIAL USE SECTION 2 OF 2 TEHRAN 4927

FOR NEA/IRN NAAS FROM MIKLOS

PASS TO DOT FOR FHWA MCKENDIRCK

THAT THE GENERAL LANGUAGE OF MARCH 1975 US-GOI PROTOCOL
WOULD SUFFICE. KAZEMI NOTED THAT HE HAS COMMUNICATED
HIS VIEWS ON THESE TWO POINTS TO THE MINISTRY OF ROADS
IN WRITING TWO OR THREE DAYS AGO.

3. UNDERSECRETARY VAFA, MEAF, WAS LESS SPECIFIC AND
CATEGORICAL IN HIS REMARKS BUT DID NOTE THAT THE PROB-

LEM OF INCOME TAX STILL REMAINED (VIII-D). HE THOUGHT THAT MORE SPECIFIC LANGUAGE MIGHT BE REQUIRED TO SPELL OUT INCOME TAX LIABILITY BUT NOTED AT SAME TIME THAT TAX PAYMENTS WERE RESPONSIBILITY OF MINISTRY OF ROADS AND NOT TECHNICIANS. (FYI: NONE OF PRESENT HIGHWAY TEAM HAVE BEEN ASSESSED INCOME TAX BY GOI AND WE ARE INCLINED TO BELIEVE THAT INCOME TAX PROBLEM MORE THEORETICAL THAN REAL.) VAFA HALF-HEARTEDLY RAISED QUESTION ABOUT DUTY-FREE IMPORTATION OF VEHICLES BUT DROPPED MATTER WHEN CURRENT SITUATION GIVEN TO HIM. VAFA SAID IT WOULD PROBABLY BE IMPOSSIBLE FOR HIS MINISTRY OF REACT BY JUNE 11 DEADLINE.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 TEHRAN 04927 02 OF 02 050628Z

4. IT IS CLEAR THAT GOI (SPECIFICALLY, THE THREE MINISTRIES INVOLVED) WILL BE UNABLE TO PULL ITSELF TOGETHER TO REACH AGREEMENT ON NEW ADVISORY ASSISTANCE AGREEMENT COVERING THE FHWA TEAM. EVEN AFTER WEEKS OR MONTHS OF NEGOTIATIONS ON A NEW AGREEMENT, WE MIGHT WELL BE LEFT IN THE END WITH GOI INSISTING ON AN AGREEMENT WITH WHICH USG COULD NOT LIVE. A MODUS OPERANDI SUGGESTS ITSELF, HOWEVER, IN DEPUTY MINISTER AYNEHCHIAN'S (ROADS MINISTRY) QUERY TO HAMMOND AS TO WHETHER TEAM WOULD BE WILLING TO STAY ON UNDER A QUOTE LETTER OF INTENT UNQUOTE WHICH WOULD SIMPLY EXTEND LIFE OF CURRENT AGREEMENT UNTIL NEW AGREEMENT COULD BE WORKED OUT. WE UNDERSTAND THAT DEPUTY MINISTER HAS BEEN GIVEN COMPLETE AUTHORITY BY HIS MINISTER RE HIGHWAY TEAM MATTERS. IN CONTEXT OF OVERALL USIRJC RELATIONSHIP, IT SEEMS CLEAR TO EMBASSY THAT IT FAR PREFERABLE FOR HIGHWAY TEAM TO CONTINUE IN IRAN UNDER AD HOC ARRANGEMENT RATHER THAN PULL OUT ALTOGETHER. IT WOULD BE POINTED OUT THAT NEITHER MFA NOR MEAF OBJECTS TO PRESENCE OF HIGHWAY TEAM IN IRAN PER SE; IT IS ONLY LANGUAGE OF PAST AND PRESENT AGREEMENT THAT IS TROUBLESOME. WE DO NOT REPEAT NOT THINK THAT MFA OR MEAF WOULD PUSH TO GET TEAM OUT OF IRAN UNLESS AGREEMENT TO GOI'S LIKING WERE SIGNED BY SPECIFIC DATE. RATHER, WE BELIEVE THAT THESE TWO GOI MINISTRIES WOULD SIMPLY ACQUIESCE IN SEVERAL MONTHS, PERHAPS EVEN INDEFINITE, PROLONGATION OF CURRENT AGREEMENT.

5. WOULD APPRECIATE YOUR AND DOT'S THOUGHTS ON AD HOC ARRANGEMENT SUGGESTED ABOVE.
MIKLOS

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Sent Date: 05-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977TEHRAN04927
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770200-0374
Format: TEL
From: TEHRAN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770689/aaaadagi.tel
Line Count: 166
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 5f93b784-c288-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 STATE 123784
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 17-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2270805
Secure: OPEN
Status: NATIVE
Subject: STATUS OF FHWA TEAM
TAGS: EAID, IR, USIRJC
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/5f93b784-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009